
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

Lawrence L. Piersol United States District Judge Presiding

Courtroom Deputy - DJP
Courtroom - SF #1

Court Reporter – Cheryl Hook
Date – October 22, 2018

4:17-CV-4123-LLP

SALA NAAMBEWE and YVETTE
NIMENYA,

Plaintiffs,

vs.

JOHN MORRELL & CO.,

Defendant.

Stephanie E. Pochop

Andrea R. Calem, Amber Rogers

TIME HEARING SCHEDULED TO BEGIN: 9:00 AM

TIME:

9:05 AM Enter court trial before the Hon. Lawrence L. Piersol, United States District Judge, Sioux Falls, SD. Counsel state their appearances for the record. Plaintiffs are also present in Court. Scott Reed is also present on behalf of Smithfield Foods as the company representative.

The parties wish to make opening statements. The Court addresses counsel regarding objections to exhibits.

Discussion regard adverse witnesses.

Ms. Pochop, on behalf of Plaintiffs, makes opening statements to the Court.
Ms. Calem, on behalf of Defendant, makes opening statements to the Court.

Plaintiffs individually address the Court regarding use of an interpreter.

Ms. Pochop addresses the Court.
Ms. Rogers addresses the Court.

10:10 AM Court in recess for 30 minutes.

11:20 AM Parties return and court resumes.

Statements by the Court. Response by Ms. Pochop. Ms. Pochop, on behalf of the Plaintiffs, moves for a continuance. Ms. Pochop makes motion to withdraw as counsel and states the reasons therefore.

Ms. Calem argues in opposition to the continuance and in the alternative, moves for dismissal of the case with prejudice. The Court denies the motion for dismissal of the case with prejudice and states the reasons therefore.

Ms. Calem moves for dismissal of the case without prejudice and states the reasons therefore. Response by Ms. Pochop.

Further argument by Ms. Calem in favor of dismissal without prejudice. Response by Ms. Pochop. Statements by the Court.

Discussion regarding right to sue issue.

11:50 AM Court in recess until 1:00 PM.

1:02 PM Parties return and court resumes.

Discussion of case law re: right to sue.

The Court excuses Ms. Pochop from the case and from any further representation of the Plaintiffs.

The Court will administratively close the case and notes the potential date the case can be set for a prime trial date. Ms. Calem requests that Plaintiffs have a new attorney hired by the end of the year if they choose to proceed. Response by Ms. Pochop.

Ordered that Plaintiffs will have a lawyer by January 1, 2019, or the Court will entertain a motion to dismiss. There will be no sanctions on Plaintiffs' counsel.

1:15 PM Court in recess.